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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Nebraska Public Service Commission)
Petition for Delegation of Additional)
Authority to Implement Number)
Conservation Measures)

DOCKET FILE COPY ORIGINAL

CC Docket No. 96-98
NSD File No. L-99-83
DA 99-2455

COMMENTS OF AT&T CORP.

Pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, AT&T Corp.

("AT&T") hereby submits its comments on the Nebraska Public Service Commission's ("NPSC") petition for additional authority to implement number conservation measures ("Petition").¹

More than a third of the nation's state commissions have now filed petitions² seeking a broad delegation of power over number administration pursuant to the Commission's recent Pennsylvania Order.³ On September 15, 1999, the Commission granted in part waiver requests

¹ Nebraska Public Service Commission Petition Delegation of Additional Authority To Implement Number Conservation Measures, NSD File No. L-99-83, filed September 14, 1999 ("Petition").

² As of the date of the instant pleading, at least nineteen state commissions have filed petitions seeking delegated authority over number administration. In addition to the NPSC petition, petitions have been filed by state commissions from California, Connecticut, Florida, Georgia, Indiana, Iowa, Maine, Massachusetts, Missouri, New Hampshire, New York, North Carolina, Ohio, Tennessee, Texas, Utah, Virginia and Wisconsin.

³ In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009 (1998) ("Pennsylvania Order").

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by the state commissions for California, Florida, Massachusetts and New York that sought authority that was substantively identical in large measure to that the NPSC seeks here. Two weeks later, the Commission granted the Maine commission -- which sought relief from the alleged burdens of NPA proliferation in a state that has only one area code -- authority essentially identical to that granted in the September 15th waivers. On November 30, 1999, the Commission granted five additional state waiver requests, authorizing the state commissions for Connecticut, New Hampshire, Ohio, Texas, and Wisconsin to implement some or all of the same conservation measures permitted by the four original waivers.

Because the many state commission numbering petitions filed to date largely seek the same relief and raise substantively identical claims, AT&T will not burden the record by repeating the arguments it has offered in response to those previous waiver requests, but instead hereby incorporates into these comments by reference its prior pleadings concerning each of the state petitions. In addition, AT&T hereby incorporates into this pleading by reference its pleadings addressing the Commission's recent Numbering Resource Optimization NPRM ("NRO NPRM").⁴

The NPSC's petition does implicate one critical issue that has not previously arisen in the context of state commission petitions for numbering authority. U S West, Nebraska's incumbent BOC, has instituted a policy that requires local number portability-capable carriers to use a separate location routing number ("LRN") for every rate center from which they wish to receive

⁴ Numbering Resource Optimization, Notice of Proposed Rulemaking, CC Docket No. 99-200, released June 2, 1999 ("NRO NPRM").

ported numbers, and to obtain each LRN from a unique NXX assigned to that carrier.⁵ As AT&T explained in its reply comments on the NRO NPRM, this policy effectively makes number pooling impossible, because it requires each CLEC to obtain a full NXX in each rate center it wishes to serve.⁶ Ironically, U S West supported number pooling in its comments on the NRO NPRM, despite its LRN per rate center policy. As AT&T also showed in the NRO NPRM, U S West's policy is directly contrary to industry guidelines as well.⁷ Indeed, the industry's position on this issue is so clear that, to the best of AT&T's knowledge, U S West is the only ILEC seeking to require the use of an LRN per rate center.

Thus, to the extent that any state commission wishes to establish thousands block number pooling in U S West's territory or that the Commission seeks to do so in the NRO docket, U S West must be required to abandon its misguided and anticompetitive LRN per rate center

⁵ See Reply Comments of AT&T Corp., p. 30 & Appendix B, filed August 30, 1999 in NRO NPRM. U S West established its LRN per rate center policy over AT&T's clearly stated written objections, as shown in the letters attached as Appendix B to AT&T's NRO NPRM reply. See also Letter from Charlotte I. Field, Access Management Vice President, AT&T to Beth Halvorson, Vice President - Wholesale Markets, U S West, November 19, 1999 (attached as Exhibit 1) (further correspondence between AT&T and U S West, post-dating AT&T's NRO NPRM reply).

⁶ U S West's LRN requirement also could negate wireless carriers' ability, once they become LNP-capable, to utilize numbers efficiently. Although wireless providers do not currently need an NXX for every rate center in which they provide service, application of U S West's requirement would force them to obtain codes in every rate center they serve, needlessly promoting number exhaust. In addition, it is currently possible -- in every ILEC's territory other than U S West's -- for wireline carriers to share a single NXX across multiple switches in a single rate center. U S West's policy, however, will require carriers to obtain an NXX per switch in such cases, again requiring inefficient use of numbering resources.

⁷ Significantly, not only is U S West itself violating industry guidelines, its policy also forces every other LNP-capable carrier that wishes to compete in its territory to violate those guidelines.

policy. Moreover, even in the absence of pooling, U S West's policy forces other carriers to waste numbering resources, and to incur unjustified expenses in order to modify their operations in a manner that renders them noncompliant with industry guidelines. Accordingly, AT&T requests that the Commission clarify as part of any decision that it issues in the instant proceeding that U S West may not require other carriers to utilize an LRN per rate center.

The state numbering petitions granted to date strongly suggest that the Commission is prepared to grant to any state that requests it authority that, by the Commission's own admission, "goes beyond the parameters outlined in the [Pennsylvania Order]."⁸ For example, the Commission based its grant of additional authority to the Maine commission on the fact that the 207 NPA was nearing exhaust "despite the existence of a high number of unused numbers in this code."⁹ The Commission has long recognized, however, that because the current numbering system requires the assignment of numbers in blocks of 10,000, and requires wireline carriers to obtain an NXX code in every rate center they wish to serve (there are over 220 rate centers in Maine's single area code), CLECs will almost inevitably have a relatively large proportion of "unused numbers" when they enter the market.¹⁰

⁸ E.g., Order, Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781 and 978 Area Codes, CC Docket No. 96-98, NSD File No. L-99-19, ¶ 6, released September 15, 1999.

⁹ Order, Maine Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket No. 96-98, NSD File No. L-99-27, ¶ 5, released September 28, 1999.

¹⁰ See, e.g., NRO NPRM, ¶ 20.

The rationale underlying the waiver granted to the Maine commission thus potentially applies with equal force to virtually every NPA. Moreover, because no state numbering petition filed to date provides information as to how the petitioning state commission proposes to implement programs such as number pooling or number reclamation, the potential for widely varying standards -- or even outright conflicts among the states -- is high.¹¹ In effect, the Commission appears to have modified its longstanding numbering rules and policies without adequate prior notice, and without offering an adequate explanation for abandoning its previous conclusion that permitting state commissions to proceed with numbering administration measures "on a piecemeal basis" could "jeopardiz[e] telecommunications services throughout the country."¹²

AT&T already has begun to work with the state commissions that have obtained numbering waivers, and intends to continue to cooperate fully in their efforts to implement thousands block pooling and the other measures the Commission recently authorized. AT&T also intends to participate in similar efforts by other state commissions that may obtain grants of

¹¹ For example, while the Commission's state numbering waiver orders urge state commissions to adhere to "industry adopted thousands-block pooling guidelines," it permits them to modify those guidelines after "consult[ing] with the industry." E.g., Order, Petition of the California Public Utilities Commission for Delegation of Additional Authority, CC Docket No. 96-98, NSD File No. L-98-136, ¶ 14, released September 15, 1999 ("California Waiver Order"). Other aspects of the numbering waivers granted to date are similarly unclear as to precisely what constraints the Commission imposed on state commissions' discretion to adopt state-specific numbering requirements.

¹² Pennsylvania Order at 19022 ¶ 21. As AT&T has stated previously, it does not contend that state commissions are incapable of crafting workable numbering policies, but rather that the decisions of dozens of autonomous regulatory bodies will inevitably diverge from -- and even directly conflict with -- one another.

numbering authority. Nevertheless, AT&T continues to urge the Commission to move forward promptly with the adoption of national conservation standards, and to limit the number of states to which it grants numbering waivers. As the state commissions' *seriatim* requests for delegated authority make clear, the circumstances prompting the instant petition are not unique to any one state, or even to a small group of states, but are national issues for which national solutions are essential. If the Commission were to grant authority over number conservation to each state that has requested (or that is likely to request) that power, the integrity of the NANP could be threatened by a myriad of competing and conflicting standards, and the timeline for implementing national number optimization policies would be significantly lengthened because carriers would be forced to devote their limited resources to developing and implementing multiple state trials.¹³

Finally, it is imperative that the Commission make clear in any order delegating authority over numbering that a state may not refuse to implement needed NPA relief while it undergoes preparations for number conservation measures that it hopes may eventually permit it to extend the life of NPAs. Despite the Commission's explicit warning that the numbering waivers it has granted to date "are not intended to allow [state commissions] to engage in number conservation measures to the exclusion of, or as a substitute for, unavoidable and timely area code relief,"¹⁴

¹³ Although the numbering waivers granted to date express the Commission's willingness to ensure that state commissions adhere to the "competitive neutrality" requirement and other provisions of its rules, the reality is that carriers seeking to compete in rapidly changing telecommunications markets can ill afford the delay and uncertainty that inevitably result from disputes over varying state-created numbering policies.

¹⁴ E.g., California Waiver Order, ¶ 9.

some states already have suggested that they intend to utilize rationing to artificially extend the life of existing NPAs while they prepare for pooling or other measures. Although the Commission's prior waiver decisions admonished that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for a want of numbering resources,"¹⁵ there is a real and present danger that that situation will occur.¹⁶ In any subsequent numbering waiver that it may grant, the Commission should clarify that it does not -- and did not previously -- intend to permit state commissions to deny numbering resources to carriers during any interim period while a state prepares to implement optimization measures.

¹⁵ E.g., id.

¹⁶ See generally Letter from Tina S. Pyle, MediaOne Group, Inc., to Yog R. Varma, Deputy Bureau Chief, Common Carrier Bureau, Federal Communications Commission (September 29, 1999) (documenting MediaOne's inability to obtain numbering resources necessary to provide residential wireline telephone service to "over 290,000 additional households").

CONCLUSION

AT&T urges the Commission to establish national conservation standards as expeditiously as possible to provide necessary relief to all states, carriers, and consumers on an equitable basis; and to act on the instant petition in a manner consistent with AT&T's comments and reply comments concerning prior state commission numbering waiver requests and the NRO NPRM.

Respectfully submitted,

AT&T CORP.

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December 3, 1999

EXHIBIT 1

November 19, 1999



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Re: U S WEST's Requirement of One LRN per Rate Center

Dear Beth,

After receiving your letter of November 9, 1999, I cannot help but be concerned U S WEST either does not understand even the rudiments of the many problems surrounding its "LRN per rate center" requirement, or you sent your letter as a distraction intended to continue to delay resolution of this issue. Your entire letter demonstrates nothing more than the well-understood reality that under the current system of number administration, carriers must obtain a NXX in every rate center in which they wish to assign numbers to customers. AT&T agrees that this is so. However, that fact provides no support of any kind for U S WEST's requirement that every CLEC must establish a distinct LRN per U S WEST rate center in order to port customer numbers away from U S WEST. Indeed, U S WEST's failure to address any pertinent issue in the November 9th letter suggests that it has no substantive justification for its policy and now seeks to simply cloud the record.

AT&T has repeatedly stated its objections to U S West's policy, but has yet to receive a response actually addressing the issues at hand. Your November 9, 1999, letter certainly did not do so. It sought to put the focus of attention away from U S WEST's failure to adhere to industry standards. This failure has an anti-competitive impact on competitive local exchange carriers. U S WEST needs to respond in a meaningful way to my letter of September 30, 1999.

As stated above, AT&T does not dispute a carrier must currently establish a NXX in each rate center where it wishes to assign new numbers to customers. However, this necessarily will change when number pooling is put into effect. AT&T, U S WEST and many other carriers are participants in the FCC's Number Resource Optimization ("NRO") docket. In that docket both AT&T and U S WEST supported thousands block number pooling and agreed it is an important solution to the widespread concern over

number exhaust. Once number pooling is established, multiple carriers can (and must) share a NXX for use in the same rate center. A carrier then will only require a single LERG-assigned NXX per LATA in order to have a LRN and participate in pooling. However, after number pooling is implemented, U S WEST will still require each CLEC obtain a LRN (and thus a NXX) per rate center. As AT&T established in its prior letters, U S WEST's policy will continue to tie up an entire 10,000 number block per rate center and maintain a status quo the industry (including U S WEST) accepts as being a primary cause of number exhaust. In short, U S WEST's LRN per rate center policy will make thousands block number pooling impossible in the fourteen-state U S WEST territory.

U S WEST's comments in the FCC's NRO docket reveal several striking ironies. Most obviously, U S WEST's comments support thousands block number pooling. Such pooling will not be possible so long as U S WEST's LRN per rate center policy continues in effect. In addition, U S WEST's comments unequivocally acknowledge that the INC is the industry body of subject matter experts in this area and that the D-digit issue should be left with that body for resolution. The industry guideline AT&T has repeatedly requested U S WEST follow is the INC's Location Routing Number Assignment Practice. It is unclear why U S WEST is willing to defer to the INC with regard to the D-digit issue, but rejects that organization's LRN assignment practice's clear guidance "LRNs should not be used to identify US wireline rate centers."

An issue I have not specifically pointed out in previous correspondence is the impact of U S WEST's one LRN per rate center policy when permanent number portability comes into effect for wireless carriers in 2002. Pursuant to U S WEST's policy, each wireless carrier will have to obtain a NXX for each rate center from which it wants to port customers. Wireless carriers are not required to obtain a NXX for each rate center in which it has customers today. Instead, wireless carriers normally request NXXs for only some of the rate centers in the areas they serve. Because of the nature of wireless service, wireless carriers are able to assign numbers from these NXXs to customers whose nominal location (wireless users are by definition mobile) is outside the rate center associated with the NXX of the number assigned. In this way, wireless carriers achieve high utilization within their assigned NXXs. US West's policy will force wireless carriers to obtain additional NXXs not otherwise required and in turn unnecessarily impose significant strains on already taxed numbering resources.

While a carrier currently needs a NXX per rate center to assign new numbers to its customers, it can port existing numbers without obtaining a NXX in a rate center. Or rather, a carrier can do this in every territory in the country except U S WEST's. Further, AT&T and other carriers may have multiple switches serving customers in the same rate center. Currently, AT&T does not obtain a NXX in each rate center for each switch unless it expects significant numbers of customers on each switch. Instead, AT&T

Ms. Beth Halvorson
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internally ports numbers in the needed rate center from switches to which such NXXs are assigned. U S WEST's policy will force AT&T to request additional NXXs that would not otherwise be required, once again unnecessarily taxing industry numbering resources. In addition, as U S WEST well knows, industry procedures require approximately two months to put a new NXX in service. Thus, U S WEST's policy also will delay AT&T's market entry and is anti-competitive, because if AT&T must obtain additional NXXs for switches that do not require them today, it will be unable to provide service from those switches for at least two months (and potentially longer in areas in which NXX rationing is in effect).

AT&T has no desire to dictate the terms on which U S WEST designs or operates its own network. However, U S WEST's misguided LRN per rate center policy affects not only its own operations, but also those of every carrier seeking to compete within U S WEST's territory. This is not merely a question of U S WEST choosing to adopt a policy directly opposed to industry guidelines. Rather, U S WEST's policy seeks to force other carriers to modify their operations so as to violate those same guidelines, incur unnecessary expense, waste scarce numbering resources, and render thousands block number pooling impossible.

Finally, your letter's contention AT&T has shared my September 30th letter with most of the state commissions in U S WEST's territory is mistaken. However, since you sent your November 9th letter to each of those commissions, I have also sent this letter and my September 30th letter to those agencies as well, so that they will be fully informed regarding this dispute.

It is my sincere hope U S WEST will join the rest of the telecommunications industry in a forward-looking approach to the number exhaust issue, and abandon its efforts to obfuscate this straightforward issue.

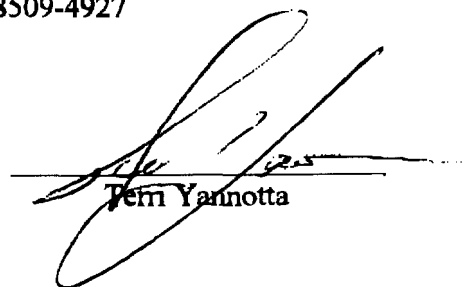
Sincerely,

A handwritten signature in cursive script, appearing to read "Charlotte".

CERTIFICATE OF SERVICE

I, Terri Yannotta, do hereby certify that on this 3rd day of December, 1999, a copy of the foregoing "Comments of AT&T Corp." was served by U.S. first-class mail, postage prepaid to the party listed below:

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Terri Yannotta

December 3, 1999